

**EMERGENCY SUBMISSION TO THE
DEPARTMENT OF CULTURE MEDIA AND SPORT
TO BE PRESENTED TO COMMITTEE MEMBERS BEFORE THE
MEETING WITH THE SECRETARY OF STATE**

**A paper produced following the oral submissions of Councillor Pugh
By Mr. Keith Fagan (former Independent Member of the Standards Committee on the
Isle of Wight) to ensure the Evidence Committee is aware of all the facts. These facts are
presented without prejudice, semantics, inferences and or misleading statements.**

EVENTS LEADING UP TO THE ISLE OF WIGHT COUNCIL'S LIBRARY CLOSURE PROGRAMME

**SUBMISSION PERPARED BY KEITH FAGAN (FORMER INDEPENDENT
MEMBER OF THE STANDARDS COMMITTEE OF THE ISLE OF WIGHT AND
FORMER CHAIRMAN OF THE BEMBRIDGE LIBRARY USER GROUP (BLUG)**

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INTRODUCTION

The Isle of Wight Council’s decision to cut frontline services, including popular, successful and rural libraries as a first resort has now been in the public domain for some time.

The purpose of this submission is not to debate the rights and wrongs of the decision. It is the responsibility of the committee to decide on those matters. However, it is the oral submissions of councillor Pugh to the Evidence Committee that is in question.

This report will present the facts as gathered by the Library Campaigners on the Isle of Wight which is at odds to those presented by Councillor Pugh

This submission concentrates on the library in Bembridge where the facts were gathered and submitted here are first hand. However, this submission does contain vital facts presented to Keith Fagan that are relevant to the purpose of this Emergency Submission.

SUMMARY

Up until the 27th of February 2012 I was an Independent Member of the Ethics and Standards Committee (ESC) on the Isle of Wight and former Chairman of The Bembridge Library User Group (BLUG)

On Friday the 24th of February it was brought to my attention Councillor Pugh's oral submissions to the DCMS. Having watched it several times I felt that my position was untenable – If I remained silent it could and would have been perceived as condoning and endorsing Councillor Pugh's version of events as presented to the Evidence Committee

Having thought about the matter over the weekend I tendered my resignation to the Monitoring Officer. **See Appendix A**

My decision was not an easy one as I hold the ESC very highly indeed. They do an important job - sometimes under difficult circumstances. An important consideration for me was the fact that I was advised by the Council that they avoided using me (with complaints brought to the ESC) because they thought I was conflicted in my role as Chair of BLUG and an Independent member of the ESC. This was only revealed to me after I gave up my role as Chair of BLUG. The reason given was the fact that I was publically critical of Cabinet Decisions as an individual and as the Chairman of BLUG

I, without reservation, confirm that this is not a personal or political attack on the Leader of the Isle of Wight Council or the Council's Decision; it is to ensure that the Evidence Committee of the DCMS has access to clear and concise facts when considering the Library Closure Programme, particularly when reviewing the Isle of Wight.

I regret to inform This Committee about a press statement made by Councillor Pugh on Friday 2nd March 2012, where he attempts to make this submission a political one. I am disappointed by his actions and can assume that he thinks his best defence is attack. I do find it incredulous that the leader of the council presupposes my political bias and in his own peculiar way attempt to smear me. **See Appendix H**

Given the above, it raises an additional concern of an attack on the community library in Bembridge by withdrawing and or making it very difficult for Bembridge.

OBSERVATIONS

Without wishing to waste the committee's time with duplicates of extracts of previous submissions, I felt the best way to proceed is to review (step by step) Councillor Pugh's answers to questions by the DCMS Committee.

Time on Video	Comments and Observations
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11.40	It was generally agreed that there was to be a 28% cut, over four years, in local authority funding from central Government
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11.42 David Pugh (DP) – We had to impose a £20 million cut in the first year.

<i>Observation</i>	<i>I believe that the actual cut was in the region of £17 million 2011/2012. It was widely reported that the cut in central Government funding was in the region of £9 million and not the £20 million inferred above. Source IWC Document http://wig.ht/29o1</i>
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11.43 DP – Makes the point that a number of council run libraries are now community libraries and that a huge amount of consultation with the public shaped their decision.

<i>Observation</i>	<i>A Public Consultation exercise for the future of the Island's Library Service was launched by the IWC on the 4th January 2011 and lasted until the 7th February (5 weeks) <u>The launch began in the knowledge that the IWC intended closing Nine out of Eleven Libraries at the end of March 2011.</u> One senior and former cabinet member thought it farcical and commented to me that this is the standard format <u>"go in heavy then make it look like they have listened by going back to their intended plan"</u></i>
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*The **Library Service Review** carried out in 2010 by the IWC, used data from 1879 responses over all 11 libraries. There are **34110 active library users on the IOW**. This could not be regarded as a comprehensive consultation. **See analysis - Appendix B***

Former Librarians advised their communities (after their positions were lost) that they were told to keep the forms out of sight and only produce them if asked; not to help with completing the task. The forms were in short supply and many had to be photo-copied in every library without exception. I am able to obtain written evidence of this should the committee require it.

The IWC announced the Libraries scheduled for closure in less than 24 hours of the consultation exercise. The 9000 signature petition was ignored – Given the sheer numbers there should have been a full council debate on the Closure Programme – Sadly not.

*In July 2011 the IWC attempted to carry out an Equalities Impact Assessment on the closures, by area. This form was misleading as the form was Titled “**Library Service Update and Feedback Form**” This pre supposed that everyone was aware of the closure programme and was not village specific i.e. The IWC intends to close Bembridge public library. etc. etc. Nowhere have they considered the population (average age of Bembridge population and Socioeconomic issues that prevail at the other affected libraries) See Appendix B*

11.46 DP – No change in the service provided

Observation Councillor Pugh does not qualify his statement. Is he referring to the core libraries, the community libraries or both core and community? Either way his statement could be thought to be misleading as greatly reduced hours at all the community libraries has resulted in a substantial loss of service through availability alone, to say nothing of not having experienced librarians or library assistances available to assist users and volunteers alike.

11.49 DP – Rightly points out that, ultimately, there is Public Accountability. DP goes on to suggest that the Secretary of State continues to maintain a light touch on the definition of the Library Service, stating local input is best for local decisions.

Observation While I agree that local people should determine their local services. This presupposes the IWC listens and engages with the community. The lack of local engagement was demonstrated by an email sent out on behalf of the Chief executive to all steering groups like BLUG which solicited this robust response from BLUG. See Appendix C

The response actually started the ball rolling which led to the formation of the five community libraries.

11.51 DP – The IWC decision was an informed decision made by and in conjunction with professional IOW Librarians. He then goes on to say that not all of them were onboard with the decision???

Observation *Councillor Pugh seems to seek endorsement by suggesting professional Librarians were responsible for the IWC reaching their decision. The librarians were instructed not to discuss the closures or how they felt training well-meaning volunteers who were going to replace them.*

Statements can be secured by the DCMS if deemed necessary to confirm the facts

11.53 DP – Needs Analysis, Usage, Quality Impact and Deprivation were part of the process. We supported Greatest Need!!!

Observation *The IOW has failed to produce evidence of this. This was certainly not part of the process as far as Bembridge Library is concerned. Bembridge made significantly more usage, per resident, than Newport or Ryde (the two libraries exempt from the original closure programme)*

Given the fact that my in-depth knowledge is focused around Bembridge Library the following are the statistical facts:

*37,215 Issues in 2009/10
45,604 visits to the library 2009/10*

A simple analysis showed that the average Bembridge resident (3848 population 2001 census – 1765 of the population is over 60) used the library facility substantially more than the average Islander. Sixty-six percent more books were issued per Bembridge resident, who is 84% more likely to visit the library. One does have to ask why close a successful Library?

Appendix D provides precise facts, obtained under the Freedom of Information Act, about the timing of the Equality and Diversity Assessment carried out by the IWC. This is clearly at odds with the information provided to the DCMS

11.54 DP – Here the suggestion that the IWC has defined “A Comprehensive and Efficient Service” by having 6 IOW core libraries and 5 Community Libraries.

Observation *It is difficult to maintain objectivity when responding to this comment. However, Councillor Pugh appears to be taking praise for the success of the Community Libraries, when the facts show that volunteers were forced to come together by the IWC’s decision, to save their local libraries. Had there been no volunteers there would be FIVE fewer libraries on the Isle of Wight now.*

11.55 DP questioned about the offer to the LGA (providing advice on Judicial Review Defence) was defended by suggesting the IOW sought share information with others to maintain a lawful position.

Observation *We are not in receipt of the offer to the LGA. I would assume that the DCMS has sight of the offer. A request to the IWC has been made, under the FOI. Should this become available before the 13th March 2012 it will be included with this submission.*

*DP talks about helping (shared information) others maintain a lawful position. Why was the IWC so concerned about TUPE. My response to the Chief Executive (**appendix C**) copied to Councillors Pugh and Brown, I make it very clear that we would not enter into negotiations with any organisation that seeks to avoid their moral and legal obligations – There was a suggestion by the IWC that “We can get around TUPE” Regrettably this demonstrates an element of arrogance.*

11.58 DP – Makes more reference to the Needs and Impact Assessment. He confirmed, when asked, that the budget was drafted followed by public consultation. Also confirmed was the Equality Impact Assessment was carried out before the final decision and a comprehensive consultation was carried out in the summer of 2010

Observation *We obtained the following from the IWC under the FOI highlights some of the inaccuracies in the evidence. See **Appendix D** and **Appendix E** which ranks the Isle of Wight 8th highest deprived area in the South East Region. This combined with the IOW's poor educational results year on year should warrant an enhanced Library Service not a reduced one.*

The lead IWC officer did make a comment when the five libraries were asked to assist with the EIA, when the request was declined she said “I will have to make it up from the information I have”

12.00 DP was challenged about the original plan to close 9 out of the 11 libraries said that public opinion altered the IWC's stance

Observation *See Paragraph one at 11.43 Above*

Councillor Pugh was invited to Public consultations hosted by the Parish Councils in Bembridge and East Cowes. He failed to attend or send an IWC official. Brighstone residents have copies of multiple requests for a meeting which could have avoided the application for a Judicial Review (The lead name on the JR has copies – available on request).

- 12.03 DP was asked (by a committee member) on behalf of a volunteer, who stated the IWC/Councillor Pugh had claimed victory with reference to the Judicial Review. This was denied and qualified by DP stating the JR was out of time. Councillor Pugh's version of the Judges summation was at odds with those of the volunteer. The committee was offered the transcript of the Judges words to clarify the issue.

Observation *To the lay viewer this seemed acceptable. However, having looked into the background of the transcript, I am advised that there was no official transcript (should be an official court document) the transcript offered is alleged to have been noted down by a member of the IOW's legal team. This was not made clear to the committee and could be thought to be misleading. See **appendix F** which appears to support both claims*

The transcript does raise a number of questions and the Judge appears to accept that there was a willingness on behalf of the council to carry out the necessary assessments. Given the performance to date of the IWC this should be read with caution.

- 12.04 DP confirmed that Shanklin volunteers did not replace a professionally qualified librarian. Did they did replace qualified/experienced staff? There was an absence of comment about staffing at the other community libraries!!

Observation *The devil is always in the detail; there was some discussion about the definition of qualified librarians. The truth of the matter is that library staff lost their jobs – Bembridge lost its fully qualified librarian. He did not have his contract renewed and a Very highly trained individual also lost her job at another Library. Her qualifications are as follows - GCSEs, GNVQ Intermediate ICT, NVQ Level 2 Information Technology, Level 3 Progression Award in Library and Information Services.*

The IWC were very concerned about the TUPE issues. I am uncertain how this matter was resolved. See next item below

- 12.06 DP confirmed the appointment of a **PAID**, part time, library volunteer coordinator in Shanklin Library.

Observation *How did they overcome any possible TUPE issues here? The other question raised by the appointment is the fact that Parish councils are not allowed to provide a library service. I believe semantics will be used here to differentiate between Core and community Libraries! This is just splitting hairs and smacks of FINDING A WAY AROUND THE PROBLEM*

I am unsure on how the unions would look at this?

Lastly one has to ask the question – Is Councillor Pugh conflicted between his role as leader of the council, Shanklin Town Councillor and former Chairman of the Shanklin Library Volunteer Committee?

12.12 DP – Confirmed that consultations were carried out before potential level of savings were identified. He goes on to say that a Comprehensive Survey of Library Users was our best model

Observation See comments made above at 11.43

12.25 DP states that Community Libraries are seeking to generate income

Observations Community libraries need to raise funds for the running costs of their buildings. In the case of Bembridge that figure is estimated to be £12,000 per annum.

12.26 DP makes a statement that volunteers could now be used in the core libraries.

Observations Does this mean more redundancies amongst the library staff at the six core libraries? What about TUPE?

12.29 DP confirmed no written guidelines for volunteers

Observations This raises the very real concern over liability. How does the law look upon this? Where does liability lay? Is it yet another responsibility that has to be taken on by the volunteer group?

A legal definition of a volunteer is: Somebody acting without legal obligation. LAW. A participant in something who is not legally bound to participate and does not expect to be paid

12.30 DP confirms that Community Libraries are not accountable.

Observations This, again, raises the issue of Liability

12.32 DP Confirmed support with costs. However utility costs are to be met by the Community Libraries. The Rural Communities Council was confirmed to be assisting two Libraries with their leases. DP did confirm transitional support. In the case of Bembridge that is a one-off payment of £4000.

Observation Legal costs (associated with the lease) will swallow up that and more.

12.33 When asked DP did not provide an answer to the question How many Professional Librarians have lost their jobs/positions in the closure programme?

12.37 When asked about stock rotation DP confirmed one had occurred at Shanklin Library. He was advised that Stock Rotation was done monthly prior to the closure programme.

Observation I understand from the Community Libraries that their stock rotation will be quarterly. One must question DP's earlier comment of NO CHANGE IN SERVICE LEVELS!

12.40 When questioned about Bembridge Libraries running costs of £12000 per annum DP confirms that discussions are on-going and sustainability would require on-going support

Observation While I applaud DP's comments about on-going discussions and support. This does not automatically assume that support would be forthcoming. Talk, as they, say is cheap the community libraries need

sustainable commitment from a council that engages with the community libraries looking at future revenue streams together with the best use of resource.

12.43 DP's response to the precept increases by the five parish councils was brushed aside
"It is what the community want and voted for"

Observation Any responsible Parish Council would, almost as a matter of course, want to keep the community together and a Precept increase is their only funding tool.

FACT - Precepts would not have to be increased had the IWC not forced closures upon them.

Conclusion

I take this opportunity to thank the Chairman and the Committee for their patients and for providing me the opportunity to set the record straight as far as the evidential facts are concerned, relating to Councillor Pugh's oral and written evidence.

The best possible best scenario for the Island Libraries is for the IOW to go back to pre-closure service levels. However, living in the real world, I do not believe that is possible. The next best option is for the IWC to:

- 1 Underwrite all running costs associated with running the library buildings. This allows volunteers to do exactly what they had signed up to do.
- 2 Employ or use one or two of the existing librarians as circuit librarians to visit the community libraries, engaging with users and volunteers alike, keeping everyone updated on developments within the Library Service. This is an important function of a Library Service as the feedback will be both Top down and Bottom Up.
- 3 Engage with the community to develop new revenue streams and explore how best to exploit local resources (the library building where possible). For Example moving other IWC services into the unoccupied spaces together with other commercial possibilities, of which there are many.

The libraries should not be seen as a burden by the IWC or other councils but as a useful asset that can be used, developed and promoted as part of our culture, history and future.

It is with a great deal of sadness that this council, through its actions, is managing the decline of the Library Service and not fulfilling their statutory duty.

Lastly, I could make myself available to the Committee should they wish to question me further or require any more information.

Keith A Fagan
EOE

Appendix A

From: Keith Fagan [mailto:k.fagan486@btinternet.com]
Sent: 26 February 2012 12:31
To: Fiore, Davina
Cc: Mathews, Chris; Miles, Helen; Martin, Julie; Mark Southwell; Bingham, Peter; Anthony Brindle KSG; Richard Day; George Hibberd MBE; Howe, John; Humby, Heather; Liz Mackenzie; Ron Mew; Denis Russell; Ray Smith OBE; Taylor, Gary; John Ward
Subject: Resignation

Hello Davina

It was brought to my attention this weekend, Councillor Pugh's appearance before a evidence committee (library closures) of the DCMS. Having watched it several times I find myself in an untenable position and by remaining silent on the subject matter I would be seen to be endorsing/condoning the statements and evidence presented, by Councillor Pugh, to the DCMS. My resignation as an Independent Member of the Standards Committee allows me to pursue and present the facts I gathered during my time as chairman of the Bembridge Library User Group

Please accept this email as my formal resignation as a member of the Standards Committee.

I regard the committee and my colleagues very highly and wish to take this opportunity to thank them for all their hard work in the past.

Yours sincerely
Keith Fagan

Appendix B

Taking the official figures produced by the Isle of Wight council regarding their alleged Comprehensive Survey of Library Users. The following makes interesting reading:

Facts

The number of surveys carried out was 1879, of which 281 were completed online. **It is important to stress that these figures were taken over all 11 Libraries not just the ones under threat of closure.**

There are **34110 Active Library Users** on the Isle of Wight. The figure of 1879 represents 5.5% of Active Users. Applying that to the 5 community libraries would mean that:

64 people in Bembridge completed the form (1293 Users)
 28 people in Brighstone completed the form (487 Users)
 78 people in East Cowes completed the form (1422 Users)
 28 people in Niton completed the form (519 Users)
 109 people in Shanklin completed the form (1989 Users)

Total number of Active Users of the Community Libraries is: **5710**

However one try's, it is impossible to describe the above as a comprehensive survey of Library Users.

The facts presented below looks at the environmental and other costs associated with **5710** people **making one (return) visit per annum** to the nearest library that can cope with the additional influx – Ryde and Newport – Super Libraries

Active Users	From	To	Miles	Total Miles
1293	Bembridge	Ryde	14	18102
1422	Est. Cowes	Newport	12	17064
519	Niton	Newport	18	9342
487	Brighstone	Newport	14	6818
1989	Shanklin	Newport	19	37791
TOTAL				89117

This is 89,117 additional miles that will cost Active Users (at say 25p per mile) £22,279.25 to make one visit per annum to their nearest super library. To say nothing of the cost to the environment, roads and parking charges.

Appendix C

Library service update and feedback form

You may be aware of the changes to the library service that the council announced in March 2011.

A great deal of work has taken place since then towards the development of community libraries in Bembridge, Brighstone, East Cowes, Niton and Shanklin.

To further support this development the council has decided to keep these libraries open for a further month (from 1 July), ensuring a smooth transition to their new status. Residents' groups in each area have worked incredibly hard to get their community library up and running. The opening hours during the one month extension will remain the same as they are now:

- 21 hours for Bembridge, East Cowes and Shanklin, and
- 10 hours for Niton and Brighstone.

The situation will be reviewed at the start of August and September and it may be that the extension period can be continued until the end of September. If any of these sites do not open as a community library by 30 September then the relevant library is likely to close (as announced in March). If this happens a mobile library service is likely to be provided on a site or sites to be agreed with a community group.

- Lord Louis Library at Newport and Ryde Library have both had changes to their opening hours; neither site is now open on Sunday.
- Lord Louis Library is now open six days each week, an increase of just over half a day.
- The four remaining libraries, at Cowes, Freshwater, Sandown and Ventnor have reduced hours.

You can view the opening hours by visiting http://www.iwight.com/living_here/libraries/

Please note: each library only has its own draft impact assessment available to view. However, all of the library impact assessments can be found in the reference section of the Lord Louis Library.

To help us fully assess the implications of the proposals for all the libraries we would welcome your comments about the likely impact on you and your family. Please use the box overleaf (continuing on a separate sheet if necessary). Please also complete the questions which follow. You may feel some of them are a little personal, but the information we collect will be confidential and any data published cannot be traced back to you, even if you complete it online.

The form can also be completed on-line at <http://www.surveymonkey.com/s/libraryfeedbackjuly2011>

July 2011



Appendix B Continued

**We welcome your comments regarding the likely impact
of the proposals for all the libraries on you and your family.**

Do you use the library service? Yes ☐ No ☐ The library I use most is...

Please write your comments about the library service in the box below. *Continue on a separate sheet if necessary.*

Are you male or female? Male ☐ Female ☐

Are you pregnant or have recently given birth? Yes ☐ No ☐

What age group do you belong to?

Under 25 <input type="checkbox"/>	25 to 34 <input type="checkbox"/>	35 to 44 <input type="checkbox"/>
45 to 54 <input type="checkbox"/>	55 to 64 <input type="checkbox"/>	Over 65 <input type="checkbox"/>

What is your marital status?

Single <input type="checkbox"/>	Married <input type="checkbox"/>	Divorced <input type="checkbox"/>
Civil partnership <input type="checkbox"/>	Co-habiting <input type="checkbox"/>	Widowed <input type="checkbox"/>

Do you have a long-standing illness, disability or infirmity?
Long-standing means anything that has troubled you over a period time that is likely to affect you over a period of time.

Yes ☐ No ☐ Prefer not to say ☐

If yes, does this illness or disability limit your activities in any way? Yes ☐ No ☐ Prefer not to say ☐

Do you consider yourself to be...

Heterosexual <input type="checkbox"/>	Gay <input type="checkbox"/>	Bisexual <input type="checkbox"/>
	Other <input type="checkbox"/>	Prefer not to say <input type="checkbox"/>

Have you undertaken, or are you undertaking, gender reassignment? Yes ☐ No ☐ Prefer not to say ☐

To which of these groups do you consider you belong?

White British <input type="checkbox"/>	White/black Caribbean <input type="checkbox"/>	White/black African <input type="checkbox"/>	Irish <input type="checkbox"/>	Bangladeshi <input type="checkbox"/>
White and Asian <input type="checkbox"/>	Indian <input type="checkbox"/>	Asian British <input type="checkbox"/>	Pakistani <input type="checkbox"/>	Black British <input type="checkbox"/>
Black Caribbean <input type="checkbox"/>	Chinese <input type="checkbox"/>	Black African <input type="checkbox"/>	Other <input type="checkbox"/>	Prefer not to say <input type="checkbox"/>

How would you describe your religion/belief?

I have no religion/belief ☐ Prefer not to say ☐

Once this form is completed it should be returned by 31 July 2011.
Please return it to one of the library sites or to
Library Service HQ, 5 Mariners Way, Somerton Industrial Estate, Cowes, Isle of Wight PO31 8PD.

copy

----- Original Message -----

From: [k.fagan](#)

To: [Steve](#) ; [George](#) ; [Pugh, David](#)

Cc: [Peter Pickworth](#) ; [richard Beet](#) ; [Mark](#) ; [neil Thomas](#)

Sent: Thursday, April 14, 2011 3:55 PM

Subject: Bembridge Library User Group

Good Afternoon Mr Beynon

Further to your email, sent via Mr Mark Howell, we the Bembridge have considered the continents and our response is attached

We look forward to hearing from you

Keith Fagan

Chairman Bembridge Library User Group

Dear Mr. Beynon

Further to your email (sent by Mark Howell) regarding Bembridge Library, we are surprised to receive, at this late stage, your correspondence which clearly seems to have either, ignored all the past correspondence with the lead officer Astrid Davis or does it suggest that you are not aware of exactly what is happening with regards to the Libraries under threat of closure? To ensure that you and councilors Pugh and Brown are up to speed with all that we have been doing, we have detailed below our position.

In the first instance we oppose the closure of any library on the Island and as such we support the legal challenge currently being mounted. We fully appreciate that the country is in a financial mess, through no fault of the populous. The formula devised by central government to fix the financial mess is levied against everyone except those responsible for our predicament

The Isle of Wight Council through their actions appears to have targeted Bembridge with the threat of library closure and the planned closure of all our toilets; knowing, all the time, that a responsible Parish Council cannot afford to have these vital services close. The net result is a Precept increase which effectively charges the people of Bembridge and other affected areas twice for services that are maintained by the IWC elsewhere.

We understand from our negotiations with the IWC that you had decided, a year ago, that libraries were to close. Had you, at that stage, consulted as you should have we would now have an entirely different outcome. It is clear that your apparent consultation was flawed as the IWC failed to carry out a Diversity Impact Assessment on an area by area basis (we believe you are trying to do that now – far too late).

The foot-fall figurers that were gathered when assessing the library's use was also flawed as during that time the building was (for quite some time) closed for refurbishment. The water was furthered muddled by the fact that unfair and unproved assumptions were made on the catchment area.

The Parish Council carried out local consultations; the overwhelming response was that we did not want the IWC to close the Library. As a safety net, a group came together to setup a steering committee to look at a back-stop position. This committee is made up of a number of professionals and a solicitor to help with the obvious and complex legal issues any community library could face.

We quickly established, through extensive research and legal support that the IWC was attempting to pass on a number of issues to the fledgling community groups. TUPE - appreciated by all is a potential deal breaker - any suggestion of “finding a way around the problem” is completely unacceptable. Our group will not associate ourselves with any organization that looks to avoid its legal and moral obligations.

The second issue is the Full Repairing Insuring Lease. Other than a very basic heads of agreement (very rough draft) we have not seen the details of the lease the IWC want us to take on. While we understand that these things take time, it is your insistence on an imminent closure date for the library that we find insulting. The IWC expects us to jump through hoops and to your time scale when you are unable or unwilling to provide us with the essential information required to make an informed decision.

The terms of the lease may also be deal breaker. Bembridge Library User Group may not consider that it in the best interest of the residents to take on such a lease because of potential hidden costs. Without sight of the lease we are unable to comment further.

Our recent discussions with Buckinghamshire County Council (responsible for the libraries in the Chalfont's - now hailed as a national model!!!) admit that they, initially, got it wrong. The decision by the BCC that saw the birth of the Chalfont Library is very similar to the current decision pursued by the IWC and by implication, you have got it wrong. Buckinghamshire County Council, having learnt by their mistakes, now has a very different view on future library closures. See below:

Their new closure programme is now over two years, allowing the potential issues of TUPE to be naturally worked out

The two year process also allows community groups to support trained librarians, thus allowing the group's time to establish themselves

BCC continue to maintain and control the buildings. This relieves the community of this additional and un-necessary burden.

Lastly they have also built in a six month break clause for the community group should they find themselves unable to continue.

It is not too late, if the IWC are genuine and serious about providing an efficient and effective library service, to adopt a similar position to that taken by Buckinghamshire County Council.

We were led to believe that the library service on the island was running at a loss and that it could not continue. If that is correct surely that has not happened overnight? How long has the service being running at a loss and can you quantify for how many years has this been the case?

The Prime Minister at PMQ's stated that the Library's budget was the same as last year and that there was no need for any library to close. As with everything the Devil is always in the detail – Increased annual costs means there is a small reduction in available funds. Had the IWC consulted with the affected areas, a year ago, we are positive that we would now have a very different outcome.

As stated above, if you are serious and genuine about providing an efficient and effective library, service we could provide you with a model which after testing in Bembridge, could

easily be rolled out Island wide. The basis of this model would, in simple terms, see (initially) the library running with a balanced budget. The library would be run by trained librarians supported by the community (no increased workload or cost to the council). The community would develop other activities to generate new revenue streams which would be ploughed back into the library service. This would be real evidence of the Big Society actually working and would actually build a library service for the future, unlike current arrangements

Every library without exception would develop around the same model

Should the IWC go ahead - blindly, ill-informed, and with flawed consultations, it would be neglect of the highest degree.

We make no apology for the strength of feeling portrayed in the letter as it demonstrated not just our views but the views of the residents of Bembridge who have given this committee a mandate to save Bembridge Library.

Please do not dismiss the offer contained in this letter as we believe it offers the IWC a genuine opportunity to develop a library service for the future, bringing in not only new revenue streams but new users and build on existing individual community spirit – The Big Society

Summary and even more questions

Clearly we are no further forward with our negotiations with the IWC. This is through no fault of The Steering Group. We have not been allowed to advance our fall-back position despite every effort on our part to move things on.

Dealing specifically with the points raised in your email:

We are not in receipt of **true/actual** cost for running the Library.

We note that you are unable to discuss the TUPE issue until the 18th April. Why, when the library was scheduled for closure at the end of March? Does this demonstrate there was never actually the desire or hope to keep the library open?

It unclear from your email whether the IWC is current looking at the possibility of indemnities, if this is not the case (as you appear to be saying) it contradict statements by officers

What potential steps does the email have in mind when referring to seeking the desired outcome?

We repeat - your lead officer and other officers are fully aware of matters. We were led to believe that the lead officer has been pursuing the matter in the message as best she could. Your statement appears to contradict what she and others have said

As a responsible committee we need to carry out the necessary due diligence. Part of that process is to look at the accounts for Bembridge Library. We require the last three years accounts which must include all costs and budget figures.

Taking into account all of the above the IWC continue to push a completely unrealistic closure date of the 30 June. We must ask ourselves – Is the IWC genuine, open and honest or are we being set-up to fail?

Keith Fagan

Chairman – Bembridge Library User Group

Appendix E

INDIVIDUAL EQUALITY IMPACT ASSESSEMENTS.

During David Pughs evidence to the Select Committee, he at least twice answered that quote “Equality Impact Assessments were completed before any decision on library cuts were made” The decisions were taken at the end of February/beginning of March, yet as can be seen from the following emails from Andrew Walker, they were promised by the END of March, in fact they were done a few days before the High Court case. The Judge in this case said that he was concerned by the apparent lack of EIAs, however the Counsel for the IWC told him that they had been done. What Counsel did not say was when they were done- inferring that they had been done back in February rather than stating that they had been completed only a few days earlier and therefore could not have had any bearing whatsoever on the IWC’s decisions at their Budget meetings when they decided cease funding 5 or our 11 libraries. I was in court with the plaintiffs and can vouch for the above.

Equality Impact Assessments- email evidence

From: Andrew.Walker@IOW.gov.uk
To: sbrunke@hotmail.co.uk
Date: Thu, 24 Feb 2011 14:23:44 +0000
Subject: Freedom of Information request iw11/2/32966

Dear Ms Brunke

Re: Information Request CRM Ref. iw11/2/32966

Thank you for your information request dated 22/2/11, regarding Brighstone Library usage back to 1990, and Equality Impact Assessments.

I have already sent you a link to the Equality Impact Assessment that is relevant to the current Library Service proposals, and I can confirm that **no such** Assessments have been undertaken for individual communities. To this email I attach usage figures for Brighstone Library, in the form of issue figures back to 1990, and visitor figures back to 1994-5 – I am unable to locate any Brighstone Library visitor figures earlier than that date.

It seems that whereas issue figures – with the exception of 2003 and 2008 – are generally in decline, visitor figures have been showing an upward trend since the low point of 2000 – 2001.

Please contact me again if you require any further assistance on this matter and I will do my best to provide relevant help and advice.

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From: Andrew.Walker@IOW.gov.uk
To: sbrunke@hotmail.co.uk
Date: Sat, 5 Mar 2011 12:33:34 +0000
Subject: RE: Freedom of Information request iw11/2/32966

Hi Serena,

I believe that since you sent me this email, you have spoken to Astrid Davies about this matter, and that she has assured you that an Equality Impact Assessment for Brighstone will be completed before the end of March.

Sorry for my delay in replying to you – I was waiting for clarification about when such an assessment would be carried out.

Andrew.Walker | Development Librarian, Operations | Library Service
Isle of Wight Council | Library HQ | 5 Mariners Way| Cowes | Isle of Wight PO31 8DP
Tel: (01983) 203886 | Fax: (01983) 203899 |
Email: Andrew.walker@iow.gov.uk | Web: www.iwight.com

From: Andrew.Walker@IOW.gov.uk
To: sbrunke@hotmail.co.uk
Date: Thu, 10 Mar 2011 13:41:12 +0000
Subject: RE: Freedom of Information request iw11/2/32966

Hi Serena,

The information you need is all on the Isle of Wight Council website. Here is the link.

http://www.eco-island.org.uk/information_observatory/

You also asked about the survey in August 2010 – I attach a report which was written **following analysis of this survey.**

The Equality Impact Assessment for Brighstone Library will be completed by the end of March by colleagues at Library HQ – as far as I am aware, these assessments do not involve talking to individuals in the area being assessed.

Thank you.

Andrew.Walker | Development Librarian, Operations | Library Service
Isle of Wight Council | Library HQ | 5 Mariners Way| Cowes | Isle of Wight PO31 8DP
Tel: (01983) 203886 | Fax: (01983) 203899 |
Email: Andrew.walker@iow.gov.uk | Web: www.iwight.com

From: sbrunke@hotmail.co.uk
To: andrew.walker@iow.gov.uk
Subject: RE: libraries
Date: Fri, 12 Aug 2011 06:55:54 +0000

Dear Andrew,

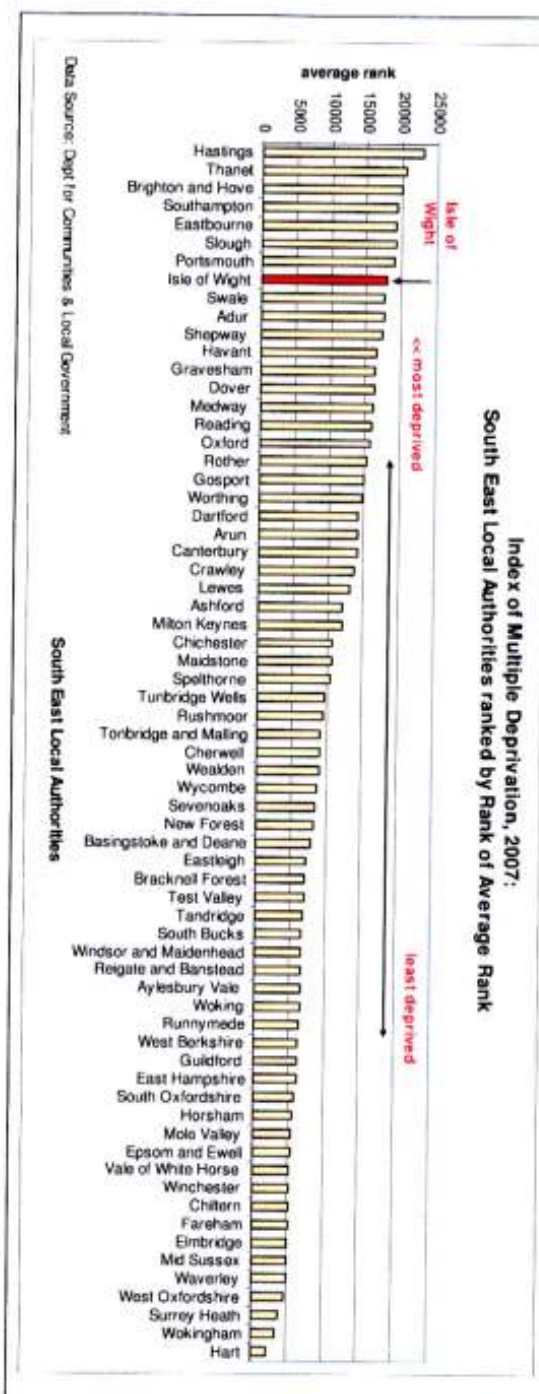
further to my request for the equalities impact assessment to be done on brighstone and other areas, i asked for dating back to 17/02/11 , it was confirmed that this would be done by end of march, this has only **now happened during july**, can you please explain why when this was promised to me , it did not get done by the end of march. i asked several times by email and telephone calls to astrid , and was assured it would be by end of march.
the results have still not been published, many thanks serena brunke

Appendix F

District-Level Deprivation: Isle of Wight compared with the South-East Region (continued)

The chart below shows a ranking of Local Authorities in the South East for the 'Average Rank' district-level deprivation measure. On this measure the Isle of Wight ranks as the 6th most deprived out of 67 districts, which places the Island among the most 12% most deprived districts in the South East region.

The chart shows that the Local Authorities in the South East which are more deprived than the Island on this measure are all urban areas. The Isle of Wight is the most deprived rural district in the South East for this measure and across most of the district-level deprivation measures.



The Queen on the application of Serena Brunke -and- Isle of Wight Council

Judgement of HHJ Pearl

This is an application by Miss Serena Brunke for permission to Judicially Review a decision of Isle of Wight Council to close the library at which she is a user at Brighstone, as well as at 4 other libraries.

As Kate Markus says, it is clear that each of the libraries enjoy community support, I have read the various newspaper cuttings I have been referred to, and see also that each community is determined to retain, if they can, some form of local library service.

The challenge is brought by Kate Markus on behalf of Miss Serena Brunke - in relation to the decision taken on 23 February, a decision of substance that it is said limited options subsequent to that date to the library service, and also a decision taken on 1 March when a final decision was made and in relation to which it is submitted they (the cabinet) had no option.

Mr Goudie for Isle of Wight Council, submitted that there was a short knock out point - that of delay.

Firstly, the decision of the 1 March is the relevant decision, not the 23 February, but in any event, it is of course out of time.

Permission should not be granted to extend time for two reasons:-

1. detriment to good administration
2. claimants excuse for serving an application outside the 3 month time limit is not good enough

I will deal with the second of these reasons first.

Kate Marcus drew my attention through the witness statement of Mr Richard Stein, which draws attention to the difficulties in obtaining funding and the requirement imposed to obtaining community support. Although I have sympathy with these difficulties, I do not think, and I have given considerably thought to this, that the 3 months in a case such as this is at the outer reach. The reason I put it that way, and the reason why it was necessary to bring the proceedings in that time is that otherwise there would be a detriment to good administration.

For a Local Authority, particularly in these circumstances, when they make difficult decision affecting their communities, it must be a matter of good administration that after a period of time when there can be a challenge, that after that time it is only in the most exceptional cases courts would interfere with a Local Authorities decision. This must be the general principal to apply in all these cases, and therefore I have to say I am against Kate Markus on delay.

I wish to add, that even if I had granted an extension of time, I would have refused Permission.

My reasons, and as a general point I would say that none of the matters drawn to my attention were arguable, are as follows:-

Consultation. Applying the principles in Gunning, and in particular the 4th of them, I do believe that the council altered the original proposals in the light of consultation feedback and from all that I have read, it suggests that the decision taken was taken with an open mind.

On the predetermination point, the approach by the Court of Appeal in Domb - and the Judgement of LJ Rix are relevant to this case. Para 61, drawn to my attention by Mr Goudie, is a very appropriate paragraph - and I quote

"In these circumstances, it is in my view mistaken to suggest that all possible theoretical options had to be regarded as being open and in contention in connection with the matter which came up for consideration on 16 June 2008. Decision-making would become simply impossible on such a basis. One has to start somewhere, and the budget decisions which had already been taken, whether final or capable of being revisited, are not capable of being impugned in these proceedings."

It seems to me that this approach is relevant in this case.

Issues raised re EIA. This is one matter which has given me much more cause for reflection. I had considered that it could be that the issues are arguable, but they are not. No help at all was attached to looking at Social Services cases, referred to by Kate Markus. It is my view that in the budget meeting, the EIA was considered, it was not prepared in the detail that would be required at a later meeting, but due regard was complied with and it is not arguable that it was not. Likewise, it is the same on 1 March. Looking at the minutes of that meeting, I am satisfied that due regard was given.

The proposed new EIA's will no doubt have more detail. For example, in relation to the mobile library, the availability for villages subject to library closure will be looked at in greater detail.

My finding, for the reasons given, are that the points raised are not arguable and I do not grant permission.

Costs in relation to attendance at the hearing and completion of Acknowledgement of Service (subject to leave of the court to enforce due to public funding

Campaigner resigns after libraries row

By David Newble

Friday, March 2, 2012

A LIBRARIES campaigner has resigned from the Isle of Wight Council's ethics and standards committee in protest at evidence given to a parliamentary watchdog.

Keith Fagan, former chairman of Bembridge Library Users Group (BLUG), stood down following the appearance of Isle of Wight Council leader, Cllr David Pugh in front of the Culture, Media and Sport Committee.

Cllr Pugh told MPs about the consultation process surrounding the closure of libraries on the Island.

Mr Fagan told the *County Press* he had stepped down from the council committee because he disagreed with Cllr Pugh's evidence.

Mr Fagan said: "The consultation was completely flawed. The questionnaire they put out was so biased."

Cllr Pugh hit back saying a High Court judgement over the closures had backed the council's position proper consultation had taken place.

He said: "The judge found our consultation was sufficient. I understand people like Mr Fagan feel strongly about these issues but our consultation was upheld by the judge and was sufficient to inform our final decision."

He added: "His resignation is a matter for him. His taking a strong stance on an issue is incompatible with being a member of the ethical standards committee.

"It is important members are seen as politically impartial. It would be difficult for him to take such a politically strong stance and still deliver on issues to do with members' conduct."

Last week, the *County Press* reported the controversial changes to the library service had been put under the spotlight in parliament.

Cllr Pugh faced tough questioning from the Culture, Media and Sport Committee looking into the closure of libraries across the country.

Reporter: davidn@iwcpmail.co.uk

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by ROBERT SMITH

2nd March 2012, at 10:20:50

Thank GOD someone on this dictatorship of a council has found his B***s and stud up to PUGH. One down lets hope a lot more will find theirs soon.

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by michael bains

2nd March 2012, at 10:13:20

in other words Mr Fagan has the integrity and honesty to defy king Pugh, this council is rapidly turning into a dictatorship lead by fools

[Log-in to Report](#)

by Shirley Burnham

2nd March 2012, at 09:42:51

A fair description of Mr Fagan could be as someone who is 'valiant for the truth'. The committee, with the backing of Mr Pugh, should have declined his resignation and insisted that there be proper scrutiny of all the matters he raised.

Any views or opinions presented in the comments above are solely those of the author and do not represent those of the Isle of Wight County Press.